

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

880Q0371

SENATE BILL NO. 146

Introduced by: Senators Jerstad, Ahlers, Bartling, Brown, Fryslie, Gant, Hansen (Tom), Merchant, Peterson, and Tieszen and Representatives Russell, Blake, Curd, Cutler, Feickert, Krebs, Lange, Lederman, Lucas, Nygaard, Rounds, Schrempp, Sly, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to increase the penalty for solicitation of a minor.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-24A-5 be amended to read as follows:

4 22-24A-5. A person is guilty of solicitation of a minor if the person eighteen years of age
5 or older:

6 (1) Solicits a minor, or someone the person reasonably believes is a minor, to engage in
7 a prohibited sexual act; or

8 (2) Knowingly compiles or transmits by means of a computer; or prints, publishes or
9 reproduces by other computerized means; or buys, sells, receives, exchanges or
10 disseminates, any notice, statement or advertisement of any minor's name, telephone
11 number, place of residence, physical characteristics or other descriptive or identifying
12 information for the purpose of soliciting a minor or someone the person reasonably
13 believes is a minor to engage in a prohibited sexual act.

14 The fact that an undercover operative or law enforcement officer was involved in the



1 detection and investigation of an offense under this section does not constitute a defense to a
2 prosecution under this section.

3 Consent to performing a prohibited sexual act by a minor or a minor's parent, guardian, or
4 custodian, or mistake as to the minor's age is not a defense to a charge of violating this section.

5 A violation of this section is a ~~Class 6 felony. If a person is convicted of a second or~~
6 ~~subsequent violation of this section within fifteen years of the prior conviction, the violation is~~
7 ~~a Class 5 felony~~ Class 4 felony.

8 The court shall order an assessment pursuant to § 22-22-1.3 of any person convicted of
9 violating this section.